

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE CITY OF BLAINE, *et al.*,

Plaintiffs,

v.

GOLDER ASSOCIATES, INC., *et al.*,

Defendants.

No. C03-0813RSL

ORDER GRANTING IN PART
PLAINTIFFS' MOTION IN LIMINE
REGARDING ARCHAEOLOGY
EXPERT

This matter comes before the Court on "Plaintiffs' Motion in Limine Regarding the Testimony of Defendants' Archaeology Expert." Dkt. # 339.¹ Contrary to plaintiffs' argument, Dr. Ackerley's testimony is marginally relevant to issues other than the dismissed negligence claims. For example, opinions regarding the need to employ the Lummi as monitors at the site may be relevant to the applicability of the hold harmless provision in the Memorandum of Agreement. Dr. Ackerley will not, however, be permitted to testify regarding issues that have been excluded by the Court, such as the fault of non-parties (Report at 2-4) or whether Golder breached duties owed to the Lummi (Report at 3-7 and 10).

¹ This matter can be decided on the papers submitted by the parties. Plaintiffs' request for oral argument is DENIED.

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1 For all of the foregoing reasons, plaintiffs' motion to exclude the testimony of
2 Neal Ackerley is GRANTED in part.

3 DATED this 12th day of May, 2006.
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7 Robert S. Lasnik
8 United States District Judge
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